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10/612,478	07/02/2003	Allon G. Englman	247079-000207USPT	3126
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NIXON PEABODY LLP			EXAMINER	
161 N CLARK ST.			DEODHAR, OKMAR A	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/612,478	ENGLMAN ET AL.
	Examiner OMKAR A. DEODHAR	Art Unit 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 02 October 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-6,8,10-14,16-22 and 25-40 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-6,8,10-14,16-22,25-40 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

**Non-Final Rejection**

***Response to Arguments***

In response to Applicant's pointing out the disqualification of Gagner under 35 U.S.C. 103(c), the instant examiner has made this Office action non-final & Applicant's arguments are moot in view of the new grounds of rejection.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1-6, 14, 16-22, 25, 27-30, 32-34 & 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 5,842,698) in view of Olsen (US 6,217,448) & Webb (US 6,164,651).**

**Claims 1, 14, 16, 17, 19-21, 27, 28, 30, 32, 33, 36, 40:**

Brown teaches a system and method for allowing players at a plurality of gaming terminals to place side wagers comprising:

A plurality of gaming terminals interconnected for play of a wager game (2:36-40, fig. 1, and feature 18). The players play a base game of blackjack wherein upon the occurrence of a bonus triggering combination, the player who achieves the bonus triggering combination (blackjack with an ace or some other desired combination by game operators, 4:9-21) is made eligible for play of a bonus progressive game. Furthermore it could be required that the player who achieves the bonus condition must also beat the dealer (3:10-13). Prior to the play of the bonus progressive craps game,

"the remaining players may also place bets on one of their respective craps wager circles. Each craps wager is then settled based [on] the outcome of the single roll of the dice by the player having the blackjack." (abstract).

The game, as taught by Brown in the exemplary embodiments is described as a table top game conducted by a casino operator. It could be said that the step of sending the inquiry signals to the players upon the initiation of the bonus game for other plays to place their side wagers is inherently carried out by the table operator since there would be no other way for the game to function. Furthermore, Brown explicitly states that the game can be implemented in a game program or machine making the same presentations. Such disclosure inherently requires the use of inquiry signals to the other terminals to inform their players of the progression of the game.

Brown is silent regarding signage displaying the progressive game coupled to the plurality of interconnected gaming terminals & sending the side wager inquiry signal to a second one of the plurality of gaming terminals being performed by a signage controller. In a related invention, Olsen teaches a progressive jackpot with a progressive jackpot controller & a common display. See Olson, Abstract, Figure 1 & the related description. Olsen also teaches separate electronic gaming terminals portraying the wagering game on a video display. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the claimed signage controller & gaming terminals in a machine implementation of Brown. This yields the predictable results of attracting more players by featuring a central display visible by many on the casino

floor. A further benefit is that players would not have to be seated at specific locations at a table and a larger number of players can participate in the game.

Brown does not explicitly teach that Signage includes a local controller for randomly selecting a progressive game outcome of the progressive wagering game, the progressive game outcome being displayed on the signage. However, in view of Olsen, this limitation is taught because the progressive controller runs the progressive games and picks a random winning outcome.

Brown is further silent regarding non-eligible players being able to make side wagers & having a selection choice from a plurality of events (the non-eligible player is a non participant player making a prediction regarding an event for which only the eligible, participant player is playing). In a related patent, Webb teaches propositional wager areas in a Baccarat derivation game. Webb, Figure 1 shows competition wager areas 12 & 14, and proposition wager areas 16 & 20. Players need not place bets in both wager areas. Players placing only competition wagers are neither participating in nor eligible for propositional wager awards. These players have a selection choice – between competition wager areas 12 & 14.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Brown's side wagering with propositional type wagering as taught by Webb. This is viewed as a substitution of known elements with the predictable results of providing an entertaining game. The progressive machine implementation taught by Brown in view of Olson is amenable to games including Webb's Baccarat derivation game. The common display would show a large image of a

Baccarat table & the individual machines would feature player interfaces as suggested by Webb's Figure 2. A progressive game could simultaneously be offered.

**Claims 2, 6:**

The prior art combination teaches crediting the second one of the plurality of gaming terminals with a payout amount corresponding to the side wager at the end of the progressive game or if the event occurs in the progressive game (payout corresponding to the side wagers follows from play of the modified game).

**Claim 3:**

Brown teaches wherein the event relates to rolling dice (the craps game of Brown is a game event that relates to rolling of dice 2:26).

**Claim 4:**

The prior art combination teaches wherein the event is a particular outcome of the progressive game (In view of Olson's progressive game & Webb's non-eligible player, the event is associated with a progressive feature game).

**Claim 5:**

The prior art combination teaches receiving a side wager response signal from the second one of the plurality of electronic gaming terminals indicating that a side wager has been made. (See the discussion of claim 1, above.)

**Claim 18:**

The prior art combination teaches wherein the first one and the second one of the plurality of interconnected electronic gaming terminals are identical machines. (Olsen Figure 1 shows identical machines G1...GN).

**Claim 22:**

The prior art combination teaches wherein the signage controller conducts the progressive game and awards credits to players of the plurality of interconnected electronic gaming terminals if winning outcomes are achieved. (In view of Olsen, a signage controller awards players credits when winning outcomes are achieved. See Olsen 16:37-67).

**Claim 25:**

Brown teaches wherein the player of the second one of the plurality of interconnected electronic gaming terminals participating in the progressive game may achieve other payout levels greater than the first payout level, the other payout levels being awarded depending on the outcome of the progressive game.

(The player who qualifies for the progressive bonus game rolls the dice for the game of craps and depending on the roll and initial bet is awarded the corresponding jackpot. There are three jackpots with varying levels of payout corresponding to their likelihood of occurring. See Brown, feature 32, 36, 38, 40 and the detailed description thereof).

**Claim 29:**

The prior art combination teaches wherein the signage controller transmits a side wager inquiry signal to the first one of the plurality of electronic gaming terminals, the side wager inquiry signal causing a side wager invitation to be displayed on a display of the first one of the plurality of electronic gaming terminals. (Brown in view of Olsen &

Webb teaches the signage controller transmitting the claimed signal. Displaying the game is interpreted as inviting players to join.)

**Claim 34:**

The prior art combination teaches wherein each of the plurality of electronic gaming terminals includes a plurality of paylines for conducting a slot machine game (See Olsen, Figure 1 & the related description. Slot machines with paylines are taught.)

**Claim 37:**

The prior art combination teaches that the progressive game outcome depends on a wager amount chosen by players during the wagering games. (Since progressive games are funded by wagers made at gaming terminals, the outcome also depends on the wager amounts).

**Claims 38, 39:**

The prior art combination teaches wherein the progressive game is a multi-level progressive game, the multi-level progressive game having multiple levels of payouts & wherein a player of the multi-level progressive game accumulates points and is awarded a jackpot at one of the multiple levels of payouts depending on the number of points accumulated. (Olsen teaches a progressive game with different levels of payout; greater than the first payout awarded depending on the outcome (col. 6, lines 20-67, figures 2, 3 and 5) to provide a progressive game that allows for a player to win more than just one progressive jackpot. See col. 4, lines 10-64. See also Col. 5. Lines 1-8 teaching gaming machine eligibility & payout tied to the underlying game. Accumulation of credits is interpreted as accumulating points.)

**Claims 8, 10-13 & 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 5,842,698) in view of Olsen (US 6,217,448), Webb (US 6,164,651) & Giobbi et al. (US 6,155,925).**

**Claims 8, 10-13 & 35:**

Regarding the achievement and inquiry signals & eligibility of claim 8, please refer to the discussion regarding independent claim 1, above.

Regarding claims 8, 10-13 & 35, Brown, Olsen & Webb fail to disclose a primary wagering game that operates using a plurality of selectable paylines with wagers being capable of being made at each payline. Giobbi et al. discloses a game that operates by players selecting from a plurality of paylines and making bets for each payline (Figure 1 and the description thereof). Giobbi et al. also discloses various bonus games wherein a requirement for entrance into said bonus game is some minimal bet amount. One bonus game requires the player to place a max bet on all paylines (Figure 9g and the description thereof). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a multi-payline base game of Giobbi et al. in the progressive bonus game taught by the combination of Brown, Vancura & Tessmeier to increase player interest and excitement. The presence of multiple paylines and a max bet requirement for the entrance into bonus play will entice players to bet more and increase casino revenue.

**Claims 26 & 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 5,842,698) in view of Olsen (US 6,217,448) Webb (US 6,164,651) as applied to claims 19 & 27, in yet further view of Vancura (US 6,517,073)**

**Claims 26, 31:**

Brown, Olsen & Webb are silent regarding the prediction of whether the player will land a game piece on a certain location of a game board. Vancura teaches the use of a gameboard (feature 12) and associated predictions as a bonus game. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize a gameboard as described by Vancura with the same winning odds and positions of Brown. One would be motivated to do so to add another level of interest and excitement, as the display of a gameboard would introduce a sense of theme and interest to the game.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMKAR A. DEODHAR whose telephone number is (571)272-1647. The examiner can normally be reached on M-F: 8AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OAD/

/Corbett Coburn/  
Primary Examiner  
AU 3714